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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,728	07/25/2001	Satoshi Kunimitsu	1794-0140P	4064

2292 7590 07/29/2004

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EXAMINER
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CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2613

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DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/911,728

Applicant(s)

KUNIMITSU ET AL.

Examiner

Dave Czekaj

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5_8_9</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanigan, Jr. et al (6081292), (hereinafter referred to as "Lanigan") in view of Hauck et al. (5760415), (hereinafter referred to as "Hauck").

Regarding claim 1, Lanigan discloses an apparatus that relates to a system for positioning a grapple relative to a container (Lanigan: column 1, lines 5-9). This apparatus comprises "a plurality of cameras disposed vertically downward mounted on a crane for conveying containers and photographing corner fittings mounted on the upper surface of a container" (Lanigan: figure 2, column 4, lines 20-23, wherein the cameras are the video devices which are shown mounted downward on a crane, column 4, lines 31-35, wherein the photographing is the images taken of the container, the corner fittings are the locking holes), "a distance finder for determining a distance between the hoisting accessory and the container" (Lanigan: figures 2 and 4, wherein the distance finder is the height sensor), and "an image processor for image processing video from the cameras to detect two-dimensional coordinates of the corner fittings of the container" (Lanigan: figure 4, wherein the image processor is the processor,

column 5, lines 66-67 – column 6, lines 1-3, wherein the alignment sensor helps determine the coordinates of the corner fittings or edge of the container).

However, this apparatus lacks performing an arithmetical operation of a three-dimensional position on the basis of the two-dimensional coordinates as claimed.

Hauck teaches that photogrammetric systems for high precision three-dimensional measurements of objects are well known in the art (Hauck: column 1, lines 18-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Lanigan and add the three-dimensional measurements taught by Hauck in order to obtain an apparatus that can provide a better quality image to the user. One would be further motivated since it is well known in the art to do so.

Regarding claim 2, note the examiners rejection for claim 1 and in addition claim 2 further requires a plurality of illuminating light sources for illuminating the corner fittings. Although not disclosed, it would have been obvious to implement a plurality of light sources (Official Notice). Doing so would have been obvious in order to obtain an apparatus that can be used more frequently (day and night).

3. Claims 3-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanigan, Jr. et al (6081292), (hereinafter referred to as "Lanigan") in view of Hauck et al. (5760415), (hereinafter referred to as "Hauck") in further view of Erikkila (6256553).

Regarding claim 3, note the examiners rejection for claim 1, and in addition, claim 3 differs from claim 1 in that claim 3 further requires a controller for adjusting the light based on the distance. Erikkila teaches that before a

picture is taken and recorded, the zoom, focus, and light need to be correct (Erikkila: column 11, lines 62-67 – column 12, lines 1-3). To help ensure this process is correct, Erikkila discloses adjusting or correcting the light (Erikkila: figure 12A). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Lanigan, add the three-dimensional measurements taught by Hauck, and add the light control means taught by Erikkila in order to obtain an apparatus that can provide a better quality image to the user.

Regarding claims 4-6, Lanigan discloses “the processor detects the corner fittings on the upper surface of the container in accordance with template matching” (Lanigan: figures 2 and 4, column 4, lines 25-30, wherein the processor, thru the use of the cameras, detects the corner fittings).

Regarding claims 7-12, Erikkila discloses “image processor updates the sizes of the images on the basis of distance information” (Erikkila: figure 12A, wherein changing the size of the image is updating the magnification ratio).

Regarding claims 13-18, Erikkila discloses “the cameras are the ones for changing automatically a photographing magnification on the basis of distance information” (Erikkila: figure 12A, wherein the magnification is adjusted for the given distance).

Regarding claims 19-21, although not disclosed, it would have been obvious to store the image of the region of the corner fittings (Official Notice). Doing so would have been obvious in order to save the image for later use.

Regarding claims 22-33, Lanigan in view of Hauck in view of Erikkala disclose "template matching processing involves a preparation means for preparing template images of corner fittings in every container and detecting the hole positions in the corner fittings" (Hauck: column 3, lines 16-34, column 4, lines 37-46, wherein the template images are prepared via the photogrammetric process; Lanigan: figures 2 and 4, column 6, lines 1-13, wherein the corner fittings are detected).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-5067013	11-1991	Lindholm et al.
US-5154561	10-1992	Lee, Donald E.
US-5491549	02-1996	Wichner et al.
US-5967347	10-1999	Miyata et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (703) 305-3418. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600